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Attorney for Defendant
OMAR CASTRO-ALEJO

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 2:20-cr-169 WBS
vs.) Plaintiff,) **STIPULATION AND ORDER TO
OMAR CASTRO-ALEJO,) CONTINUE STATUS CONFERENCE AND
Defendant.) EXCLUDE TIME
) Date: April 19, 2021
)) Time: 9:00 a.m.
)) Judge: Hon. William B. Shubb**

By this stipulation, the parties move to continue the status conference until May 17, 2021, and to exclude time between April 19, 2021 and May 17, 2021, under Local Code T4.

The parties agree and stipulate, and request that the Court find the following:

a. The government has produced discovery which defense counsel will need further time to review and discuss with the defendant because of the difficulties of communicating with Mr. Castro-Alejo at the jail during the pandemic.

b. Defense counsel believes that failure to grant the above-requested continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

c. Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

1 d. For the purposes of computing time under the Speedy Trial Act, 18 U.S.C. §
2 3161, et seq., within which trial must commence, the time period of April 19, 2021 to May 17,
3 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
4 T4] because it results from a continuance granted by the Court at defendant's request on the basis
5 of the Court's finding that the ends of justice served by taking such action outweigh the best
6 interest of the public and the defendant in a speedy trial.

7 Nothing in this stipulation and order shall preclude a finding that other provisions of the
8 Speedy Trial Act dictate that additional time periods are excludable from the period within which
9 a trial must commence.

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11 DATED: April 14, 2021

Respectfully submitted,

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13 HEATHER E. WILLIAMS
14 Federal Defender

15 /s/ Noa E. Oren
16 NOA E. OREN
17 Assistant Federal Defender
18 Attorney for OMAR CASTRO-ALEJO

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20 DATED: April 14, 2021

PHILLIP A. TALBERT
Acting United States Attorney

21 /s/ Justin Lee
22 Justin Lee
23 Assistant United States Attorney
24 Attorney for Plaintiff

ORDER

The Court, having received, read, and considered the stipulation of the parties, and good cause appearing, adopts the stipulation in its entirety as its order. The Court specifically finds that the failure to grant a continuance in this case would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court finds that the ends of justice served by granting the continuance outweigh the best interests of the public and defendant in a speedy trial. Moreover, the ongoing COVID-19 pandemic has led to the suspension of jury trials in this district since March 17, 2020, and the General Orders of this court issued in connection with the pandemic allow for continuances and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), with no further findings required. General Orders 611, 612, 617, and 618. Additionally, the April 16, 2020 Order of the Judicial Council of the Ninth Circuit suspended the time limits of 18 U.S.C. § 3161(c) due to a judicial emergency in this district until May 2, 2021. See In re Approval of the Judicial Emergency Decl. in the E. Dist. of Cal., 956 F.3d 1175 (9th Cir. Judicial Council 2020).

The Court orders a status conference on May 17, 2021, at 9:00 a.m. The Court orders the time from April 19, 2021 up to and including May 17, 2021, excluded from computation of time within which the trial of this case must commence under the Speedy Trial Act, pursuant to 18 U.S.C. §§3161(h)(7), and Local Code T4.

Dated: April 15, 2021

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE